



U.S. Department of Justice

United States Attorney
Southern District of New York

United States District Courthouse
300 Quarropas Street
White Plains, New York 10601

September 10, 2020

BY CM/ECF

The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

**Re: *United States v. Anibal Ramos*,
12 Cr. 556 (LTS)**

Dear Judge Swain:

The Government writes, with consent of defense counsel, respectfully to request an extension of its time to respond to defendant Anibal Ramos's motion for a reduction in sentence, pursuant to 18 U.S.C. § 3582(c)(1)(A), to the end of next week.

On August 21, 2020, the Court docketed Ramos's *pro se* motion for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(1)(A).¹ (Docket Entry 384). It directed the Government to file its response by September 8, 2020, and Ramos to file any reply by September 15, 2020. (Docket Entry 385). Shortly thereafter, David B. Anders, Esq.—who represented Ramos at his sentencing pursuant to the Criminal Justice Act—asked this Court to appoint him to represent Ramos in relation to Ramos's motion, and to be granted leave to either supplement the record or file a reply. (Docket Entry 387). The Court granted Mr. Anders's request, appointing him and permitting him “to submit a reply on Mr. Ramos's behalf by October 2, 2020.” (Docket Entry 388).²

This is where an error occurred. I saw the endorsement and did not appreciate that the Court directed Mr. Anders to submit a reply to a Government brief, as opposed to directing him to submit supplemental briefing in advance of the Gov-

¹ The motion was dated August 7, 2020, but was not received by the Court until August 20, 2020. (Docket Entry 384).

² The Court also directed the Government to provide Mr. Anders with Ramos's medical records. The Government did so within minutes of the Court's order.

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ernment's brief. Accordingly, the Government did not submit a timely response to Ramos's motion.

Accordingly, the Government respectfully asks that it be permitted to respond to Ramos's motion by the end of next week: September 18, 2020. This would still allow Mr. Anders sufficient time to submit a reply by October 2, 2020, or earlier, as he indicated he may do.³ Mr. Anders indicated that he would not object to a Government sur-reply if the Government deems it appropriate.

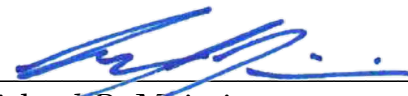
Mr. Anders has consented to this request.

Please feel free to contact me with any questions or issues.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By:



Michael D. Maimin
Assistant United States Attorney
(914) 993-1952

cc: David B. Anders, Esq. (by electronic mail and CM/ECF)
Michael A. Nance, Esq. (by electronic mail)

The requested extension is granted. DE# 389 resolved.

SO ORDERED.

Dated: September 12, 2020

/s/Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

³ Indeed, to ensure an efficient process, I have already begun discussing various legal and factual issues with Mr. Anders and his colleague.